

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
January 8, 2007**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Edward Zimmerman at 7:30 PM. Mayor Zimmerman led the Pledge of Allegiance to the Flag followed by a moment of silent meditation in recognition of the late President Gerald Ford.

**STATEMENT OF COMPLIANCE WITH OPEN PUBLIC MEETINGS LAW**

Mayor Zimmerman read into the record the following statement of compliance with the Open Public Meetings Law: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings notice advertised in the December 16, 2006, edition of the Somerset Messenger Gazette and transmitted to the Courier News and Somerset Spectator. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Borough Clerk.

**ROLL CALL**

Mr. Brian Griner-present, Mr. William Hallman-present, Mr. Dan Harrington-present,  
Ms. Courtney White-present, Mr. Jared Witt-present.

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz

**APPROVAL OF MINUTES**

Regular Minutes – December 18, 2006 – Borough Clerk Griffiths advised of error made on her behalf to the minutes in reference to Ordinance #12, 2006, Page 3, paragraph 10. Motion pertaining to the adoption of the ordinance did not include action on the resolution authorizing the signing of a developer's agreement with Pulte Homes of NJ as reflected in the minutes. It was noted that this resolution is currently under review by Attorney Cruz and will be submitted for consideration of approval at a future date. Minutes should be amended to read, "***Motion to adopt the ordinance with the non-substantive changes was made by Batchelder with a second by Uhrik.***" Motion to approve with the aforementioned change was made by Witt with a second by Griner. Motion carried on roll call vote – all ayes; Hallman-abstain, Harrington-abstain.

Reorganization Meeting Minutes – January 1, 2007 – Motion was made by Griner with a second by Witt to approve the minutes as presented. Motion carried on roll call vote – all ayes.

**REQUEST OF COUNCIL FOR NEW OR OLD BUSINESS (NOT ON AGENDA)**

Mayor Zimmerman made request of Council for new or old business to be added to the agenda at this time. Issue of regarding on Montgomery Ave. as presented by Councilman Hallman to be addressed during Engineer's Report.

**DEPARTMENTAL REPORTS**

Motion was made by Harrington with a second by Witt for the acceptance of the following departmental reports:

Tax Collector – December 2006  
Fire Prevention Official – 2006

Motion carried on roll call vote – all ayes.

**PUBLIC COMMENTS**

Hearing no comments/questions, the floor was closed to the public.

**ENGINEER'S REPORT**

Report dated January 5, 2007, for December 2006 was received and distributed (copy on file in the Borough Clerk's Office). The following items were discussed:

Princeton Gamma Tech – Engineer Tanner recommends that a follow-up letter be sent to the EPA regarding the following issues: reiteration of the Borough's request for an agreed upon water level wherein the EPA would shut down their operation and that the EPA continue to send us information on their pumping and testing. Mayor and Council agreed with these recommendations. Engineer Tanner will draft a letter for review and approval by the Mayor and Council. It was also suggested that a formal resolution be adopted in regard to the donated well house equipment to the Borough at no cost.

County Park Project – Engineer Tanner advised that VanHorne Park was officially opened in December specifically for use of the playground equipment; issues with the fields and grass and drainage at the end of Princeton Ave. still need to be resolved; "Do Not Trespass" signs to be replaced with "Fields Closed" signs; park maintenance figures still pending from Montgomery Township. It was suggested that the gates need to be tethered and ends need to be capped. A meeting of the VanHorne Park Committee is to be scheduled. Councilman Harrington was advised that there is an open punch list being composed and that signage will be installed detailing the hours for use of the park.

Princeton Ave. Sidewalks and Montgomery Ave. Improvements – Engineer Tanner advised that the contractor is fixing water valves that were damaged. As previously noted by Councilman Hallman, the contractor should be requested to do some regrading/reseeding in the Montgomery Ave. area. Engineer Tanner will follow-up on this request.

ARC – Parking Lot – Plans have been reviewed by Engineer Tanner some of which will be presented to the Planning Board in the near future. Engineer Tanner noted that the drainage being put in will help with the Knoll Way drainage problems.

NJDOT Grant – Grove St. – Mayor and Council agreed with recommendation offered by Water Superintendent Larry Merk that consideration be given to replacing the four inch water line on Grove St. when the resurfacing is done. Engineer Tanner will work up prices for this project and will confer with the County as to their availability for this project.

Trails Grant for VanHorne Park – DEP Wetlands Permit process to be carried out by Engineer Tanner. Concern was expressed by Council that the path be built at a high enough elevation as to not get washed out by the pond. Mayor Zimmerman reiterated the donation to be made by Belinda Young for a plaque to be placed along the trail.

The floor was opened to the public for comments/questions; hearing none the floor was closed.

### **APPROVAL OF VOUCHERS TO BE PAID**

Deputy Clerk Whitlock provided a check register along with the bill list due to a printing error with the checks for clarification purposes. Motion was made by Griner with a second by White for the approval of the bill list as presented. Motion carried on roll call vote – all ayes. (Appendix 1)

### **COMMITTEE REPORTS**

**Administration & Records** – Councilman Witt advised that updating has been done to the Borough's website and continued updating will be done. A link to the Community Group as suggested by Councilman Hallman will be incorporated into the site. Also suggested was that an auto-reply be attached to e-mail addresses assigned to former Borough Council members for the public's information.

**Buildings & Grounds** – No report at this time.

**Finance & Administration** – Councilman Griner advised that meetings will be held with CFO Bobal, Deputy Clerk Whitlock, Councilman Harrington and himself to work up a draft budget. He also noted that Ted Merritt has advised that the Borough's Public Officials' Liability policy will be explored in light of the denial under the General Liability policy in regard to the lawsuit filed against the Borough by Rocky Hill Citizens for Responsible Growth, et al. v. Planning Board of the Borough of Rocky Hill, et al.

**Public Safety & Emergency Services** – A meeting will be scheduled with representatives of the Fire Company, Councilman Hallman and Councilman Griner to discuss their budget needs.

**Streets & Roads** – Councilwoman White advised that the County will be contacted in regard to issues with the pole in front of the restaurant on County Route 518. Request for repair of sidewalk from Joan Eckstein was received and will be placed on the list of sidewalk repairs/replacements.

**Water, Sewer & Environmental Protection** - December Utility Report from Larry Merk was read into the record by Councilman Hallman.

**Council Representative to the Planning Board** – Meeting scheduled for 1/9/07.

**Council Representative to School Board** – Vacancy still remains open on the School Board.

**Council Representative to Board of Health** – No report at this time.

**Zoning Official** – December 2006 report submitted by Zoning Officer Raffaelli.

**Grants Official** – Councilman Griner advised that a copy of the Grant Writing Firm's proposal has been e-mailed.

### **SPECIAL BUSINESS**

#### **Letter of Resignation from Councilman Richard Batchelder effective December 30, 2006** –

Letter of resignation dated 12/29/06 addressed to Borough Clerk Donna Griffiths from Richard Batchelder effective December 30, 2006, was received and distributed. Motion to accept the letter of resignation was made by Griner with a second by White. Motion carried on roll call vote – all ayes.

**Recommendations by Republican Committee for Governing Body Vacancy** – No names submitted to date. It was noted by Attorney Cruz that the deadline date for submission of nominees by the Republican Committee is January 16, 2007.

**Scheduling of Special Meeting to Fill Governing Body Vacancy** – Motion was made by Witt with a second by Harrington to schedule a special meeting on January 17, 2007, at 7:45 PM for the purpose of receiving nominations for the governing body vacancy and possible appointment by the governing body. Other business may also be conducted as will be included in the notice of the meeting. Motion carried on roll call vote – all ayes. Request was made by Councilman Hallman that qualifications of the nominees also be provided by the Republican Committee.

#### **Presentation by Clem Fiori – Montgomery Open Space Commission – Millstone River Scenic By-way Application**

Mr. Clem Fiori, member of the Montgomery Township Open Space Commission appeared before Mayor and Council on behalf of the Millstone Valley Preservation Group along with Elizabeth Paulius, President

of the Group. Presentation was made to Mayor and Council delineating the scenic by-way corridor as it presently exists and what is anticipated. An extension of the Millstone River Scenic By-way is being requested which will run through the Borough from Reeve Rd. to Crescent Ave to River Rd. Mr. Fiori stated that this enhanced corridor could assist with funding in the areas of preservation, grants, road improvements, etc. In response to questioning, Mr. Fiori and Ms. Paulius advised that the enhancements would not impact private property or historic district regulations. Motion was made by Griner with a second by Witt supporting the application and further authorizing letter of support to be provided by Mayor Zimmerman. Motion carried on roll call vote – all ayes.

**Donation Request from Mary Jacobs Library**

Anthony Bianculli, Trustee/Treasurer for the Mary Jacobs Library appeared before Mayor and Council. Mr. Bianculli provided an overview of the operating costs of the library. Request was made for financial support by the Borough equal to the amount contributed last year. Mr. Bianculli was advised that consideration of his request would be given during the budget process.

**Receipt of Corrective Action Plan by CFO Bobal – Report of Audit for period ended 12/31/05**

Corrective action plan as prepared by CFO Bobal was received and distributed. An overview of the encumbrance accounting system as referenced in the report was provided by Deputy Clerk Whitlock. Motion to accept the corrective action plan was made by Griner with a second by Harrington. Motion carried on roll call vote – all ayes.

**COMMUNICATIONS:**

Communications as listed on the agenda were disseminated and/or ordered filed.

Correspondence was received regarding Incident Command Classes to be provided by the County OEM. It was agreed that Borough Clerk Griffiths should contact Fire Chief Todd Harris to ascertain whether Council members could join the fire department in the training class that will be held at the fire department.

**UNFINISHED BUSINESS:**

None at this time.

**NEW BUSINESS:**

**RESOLUTION 2007-19 – Tree Removal – Award of Quote/Designation of Pick-Up Date**

Quotes were solicited from JML Landscaping and Robert Wells Tree & Landscape for the pick-up of Christmas trees. Motion was made by Witt with a second by Griner to adopt Resolution 2007-19 awarding the contract to: Robert Wells Tree & Landscape Inc. at a price of \$200.00 per crew hour not to exceed \$500.00 for one pick-up. Motion carried on roll call vote – all ayes. Pick-up date scheduled for January 15, 2007. Notice to be posted on the website, at the post office, library, and on the sandwich board for residents' information. (Appendix 2)

**Discussion – T-Mobile Proposal Regarding Rent Guarantees** – Mayor Zimmerman requested authorization to enter into discussion with T-Mobile in regard to rental renewal same of which was authorized by Council.

**PUBLIC COMMENT**

Hearing no comments/questions, the floor was closed.

**EXECUTIVE SESSION**

(8:55 PM)

**RESOLUTION 2007-20** to move into executive session for the purpose of discussion of: Attorney-Client Privilege – Mayor and Council Personnel; Potential Litigation – John Hedberg v. Borough of Rocky Hill was read into the record by Borough Clerk Griffiths. Motion for approval of said resolution was made by Witt with a second by Griner. Motion carried on roll call vote – all ayes. (Appendix 3).

**RESULTS OF EXECUTIVE SESSION**

(9:08 PM) Results not available to the public at this time.

**ADJOURNMENT:**

Motion to adjourn the meeting at 9:08 PM was made by Griner with a second by Witt. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk